

1 JOHN A. RUSSO, City Attorney, SBN 129729
 2 RANDOLPH W. HALL, Assistant City Atty., SBN 080142
 2 JAMES F. HODGKINS, Supervising Trial Atty., SBN 142561
 3 CHARLES E. VOSE, Senior Deputy City Atty., SBN 139700
 3 KANDIS A. WESTMORE, Deputy City Atty., SBN 194594
 4 One Frank H. Ogawa Plaza, 6th Floor
 4 Oakland, California 94612
 5 Telephone: (510) 238-3589, Fax: (510) 238-6500
 5 25581/518961

6 Attorneys for Defendants,
 CITY OF OAKLAND, OAKLAND
 7 POLICE DEPARTMENT, CHIEF WAYNE
 TUCKER, SGT. BERNARD ORTIZ

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

13 MIGUEL ORTEGA, BENJAMIN ORTEGA,

14 Plaintiffs,

15 v.

16 CITY OF OAKLAND, OAKLAND POLICE
 17 DEPARTMENT, WAYNE TUCKER, In His
 Capacity as the Police Chief of the City of
 Oakland, RAMON J. ALCANTAR, Individually
 18 and in his capacity as a Police Officer for the
 City of Oakland, B. ORTIZ, Individually and in
 19 his capacity as a Police Officer for the City of
 Oakland, DOES 1 THROUGH 200,

20 Defendants.

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 22 I, Charles Vose, declare:

23 1. I am an attorney licensed to practice before all courts of the State of California and
 24 am a Senior Deputy City Attorney with the Office of the City Attorney of Oakland, one of the
 25 attorney's of record for defendants herein. The matters set forth herein are known to me to be true,
 26 and if called upon, I could competently testify thereto.

Case No. C-07-02659 (JCS)

**DECLARATION OF CHARLES VOSE IN
 SUPPORT OF DEFENDANTS' REPLY
 TO MOTION FOR PARTIAL SUMMARY
 JUDGMENT**

Date: September 19, 2008
 Time: 9:30 a.m.
 Dept.: Courtroom A, 15th Floor
 The Honorable Joseph C. Spero

2. Attached hereto as Exhibit A is a true and correct copy of Defendant City of Oakland's Interrogatories, Set One, to Plaintiff Miguel Ortega.

3. Attached hereto as Exhibit B is a true and correct copy of Plaintiff Miguel Ortega's verified Responses to Interrogatories, Set One.

4. The only place in the Second Amended Complaint where Miguel alleges that he sustained physical injuries is under the Sixth Cause of Action for Battery. (See SAC at ¶40.) In Interrogatory Number 12, I asked for all facts that supported Plaintiff's contention that any Oakland police officer committed battery on him. No where in Plaintiff's response to this Interrogatory does Plaintiff state that he had any physical injuries as a result of this incident. Plaintiff also does not state he was thrown to the ground or otherwise battered by Officer Ortiz or any other officer.

5. Attached hereto as Exhibit C is a true and correct copy of Defendant City of Oakland's Request For Production of Documents, Set One, to Plaintiff Miguel Ortega.

6. Attached hereto as Exhibit D is a true and correct copy of Plaintiff Miguel Ortega's Responses To Request For Production of Documents, Set One.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. 

Executed this 4th day of September, 2008, at Oakland, California.

CHARLES VOSE